



City of Phoenix
 PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-55-17-6
 November 13, 2017

Ahwatukee Foothills Village Planning Committee Hearing Date	November 27, 2017
Planning Commission Hearing Date	December 7, 2017
Request From:	C-1 (14.81 acres)
Request To:	C-2 (14.81 acres)
Proposed Use	Commercial uses
Location	Approximately 200 feet east of the southeast corner of 48th Street and Warner Road
Owner	David Maltzman, Maltzman Ahwatukee, LLC
Applicant	James Wallin
Applicant's Representative	Annette Kiefer
Staff Recommendation	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation	Commercial		
Street Map Classification	48th Street	Arterial	55-foot east half street
	Warner Road	Arterial	55-foot south half street
	Wakial Loop	Local	25-foot west half street
<p>CONNECT PEOPLE AND PLACES; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</p> <p>The proposal would allow for increased intensity that is consistent in scale and character with the surrounding zoning in the area while being mindful of the single-family residential subdivision south and east of the property.</p> <p>STRENGTHEN OUR LOCAL ECONOMY; ENTREPRENEURS/EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.</p> <p>The proposal would allow the establishment of new commercial businesses that are consistent with the Commercial General Plan Land Use designation in the surrounding area.</p>			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Communities should consist of a mix of land uses to provide housing, shopping, dining, and recreational options for residents.

The proposal promotes the expansion of commercial uses which will further diversify the types of business that will serve the residents in the area. Further, the proposed development is consistent with the scale, design, and zoning that has been approved in the surrounding area.

Area Plan

Tree and Shade Master Plan

See background item 5 below.

Reimagine Phoenix

See background item 6 below.

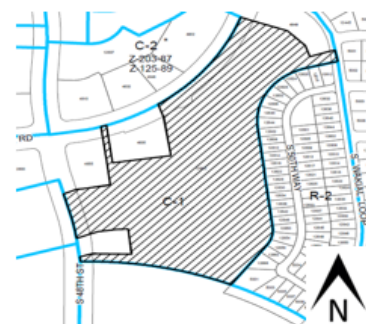
Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Commercial shopping center	C-1
North	Various commercial uses	C-2
South	Apartments	R-3
East	Commercial use and single-family residential	C-1, R1-6, and R-2
West	Drive through restaurant, apartments, private open space	C-1, R-3A, and RE-35

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone approximately 14.81 acres located approximately 200 feet east of the southeast corner of 48th Street and Warner Road from C-1 (Neighborhood Retail District) to C-2 (Intermediate Commercial District) to allow a bar as well as other commercial uses.



Source: City of Phoenix Planning and Development Department

- The General Plan Land Use Map designation for the subject site is Commercial. The proposed rezoning is consistent with this General Plan Land Use Map designation.

The following General Plan Land Use Map designations surround the site:

North: Commercial

South: Residential 15+ du/acre

East: Commercial, Residential 3.5 to 5, and 5 to 10 du/acre

West: Residential 15+ du/acre, Parks/Open Space-Private, and Commercial



Source: City of Phoenix Planning and Development Department

SURROUNDING USES AND ZONING

- The subject site is developed as a commercial shopping center and currently zoned C-1. There are four outlying pads adjacent to the north, west, and east boundaries of the site that are not included in this rezoning request, and will remain zoned C-1.

North of the subject site are various commercial uses such as a shopping center, restaurants, gas station, auto repair garage, and a tire shop, all of which are zoned C-2.



Source: City of Phoenix Planning and Development Department

West of the subject site is an apartment complex, Vista Sureno Apartments, which is zoned R-3A. There is also a privately owned open space parcel which is zoned RE-35.

South of the subject site is an apartment complex, the Lore South Mountain Apartments, which is zoned R-3.

East of the subject site are two single-family subdivisions Ahwatukee FS-10, zoned R1-6, and Ahwatukee FTV-2, zoned R-2.

4. The subject site is an existing development known as the Ahwatukee Palms Shopping Center which was developed in the late 1980s. The request to rezone to C-2 is to allow for a bar use in one of the strip center suites; however, the request to rezone the entire parcel to C-2 will allow for the establishment of additional commercial businesses within the development. The C-2 zoning district allows for an increase in both scale and intensity, and permits additional retail uses as well as limited wholesale and service uses.

There are four outlying pads that are not included in this zoning request. Further, no new development is being proposed on the subject site at this time. The subject site has frontage on two arterial streets, 48th Street and Warner Road, and a local street, Wakial Loop. Existing ingress and egress is provided with three driveways along 48th Street, three driveways along Warner Road, and one driveway along Wakial Loop.

5. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In addition, a vision in the master plan is to raise awareness by leading by example. The site is already developed with landscaping planters throughout the plaza. In order to further accomplish the vision and goal of the policy document, staff has added Stipulation 1 to require that the developer replenish all existing landscape planters with trees and shrubs, per the C-2 planting standards, prior to the issuance of any tenant improvement permits or building permits.
6. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provision of recycling containers was not addressed in the applicant's rezoning request submittals.

STREETS

7. The Street Transportation Department has indicated that the developer shall update all existing adjacent streets to current ADA guidelines. This is addressed in Stipulation 2.

FLOODPLAIN

8. The City of Phoenix Floodplain Management division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA).

WATER

9. The Water Services Department indicated that the site is surrounded with existing water mains that can potentially serve the development. A sewer main extension may be required.

FIRE

10. Fire prevention does not anticipate any problems with this case. But the site or/and building(s) shall comply with the Phoenix Fire Code. The water supply (gpm and psi) is not known at this site.

PUBLIC TRANSIT

11. Public Transit Department did not have any comments for this request.

ARCHAEOLOGY

12. No known archaeological work is necessary for this project. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials. This is addressed in Stipulation 3.

OTHER

13. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The request conforms to the General Plan Land Use designation of Commercial.
2. The proposed zoning is consistent in scale and character with the development in the surrounding area.
3. The proposal will increase the range of services accessible to area residents and businesses.

Stipulations

1. The developer shall replenish all existing landscape planters with trees and shrubs per the C-2 zoning district minimum planting standards, prior to the issuance of any tenant improvement permits for a C-2 use, or building permits for any new buildings or additions, as approved by the Planning and Development Department.

2. The developer shall update all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

Writer

Elyse DiMartino

Team Leader

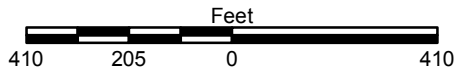
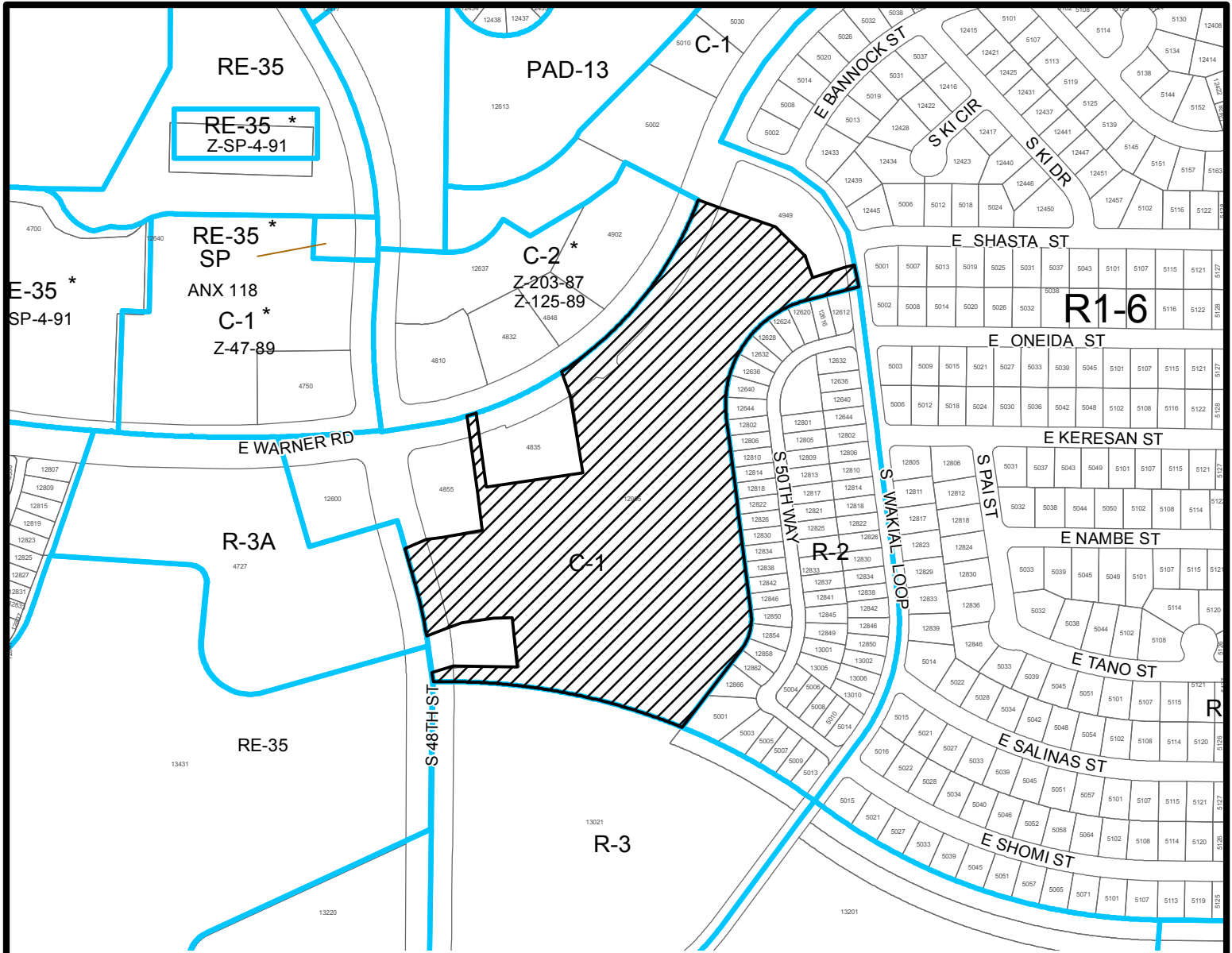
Joshua Bednarek

Exhibits

Sketch Map

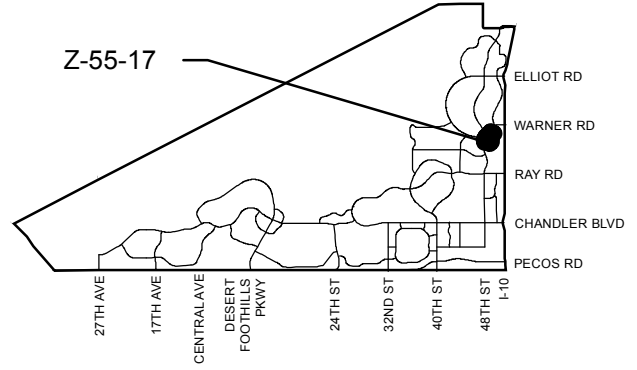
Aerial Map

Site Plan date stamped August 22, 2017



AHWATUKEE FOOTHILLS VILLAGE

CITY COUNCIL DISTRICT: 6

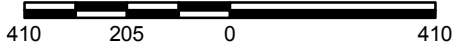


APPLICANT'S NAME: James Wallin		REQUESTED CHANGE: FROM: C-1, (14.81 a.c.) TO: C-2, (14.81 a.c.)	
APPLICATION NO. Z-55-17	DATE: 09/18/2017	REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 14.81 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 07-38	ZONING MAP B-11	
MULTIPLES PERMITTED C-1 C-2	CONVENTIONAL OPTION 214 214		* UNITS P.R.D. OPTION 257 257

* Maximum Units Allowed with P.R.D. Bonus



Feet



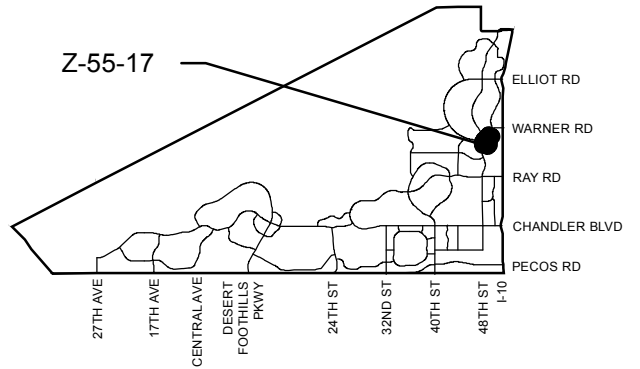
AHWATUKEE FOOTHILLS VILLAGE

CITY COUNCIL DISTRICT: 6



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-55-17



APPLICANT'S NAME: **James Wallin**

APPLICATION NO. **Z-55-17**

DATE: **09/18/2017**
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

14.81 Acres

AERIAL PHOTO & QUARTER SEC. NO.
QS 07-38

ZONING MAP
B-11

REQUESTED CHANGE:

FROM: **C-1, (14.81 a.c.)**

TO: **C-2, (14.81 a.c.)**

MULTIPLES PERMITTED

C-1
C-2

CONVENTIONAL OPTION

214
214

*** UNITS P.R.D. OPTION**

257
257

* Maximum Units Allowed with P.R.D. Bonus

site data

SCOPE: ANDY'S FROZEN CUSTARD DRIVE-THRU RESTAURANT

ADDRESS: SEC 48TH ST. AND WARNER ROAD PHOENIX, AZ 85044

USE: RESTAURANT W/DRIVE-THRU

ZONING: C-1

APN: 301-59-478A

S/T/R: 20 IS 4E

CONSTR. TYPE: V-B, FULLY SPRINKLERED

OCCUPANCY: B (ASSEMBLY W/ OCC. LOAD LESS THAN 50)

PROJECT DESCRIPTION: THE PROPOSED PROJECT IS A NEW RESTAURANT SERVING ONLY FROZEN CUSTARD DESSERTS, DRINKS AND FLOATS. THE STAND-ALONE BUILDING IS AN APPROXIMATELY 1500 S.F. ANDY'S FROZEN CUSTARD DRIVE-THRU RESTAURANT WITH COVERED WALK UP ORDER AREA & SMALL OUTDOOR DINING AREA.

BUILDING AREA: 1500 S.F.

OUTDOOR DINING AREA: 575 S.F.

SITE AREA: 943,431 S.F. (21.66 AC)

SITE AREA (PARCEL): 26,255 S.F. (0.60 AC)

LOT COVERAGE: 2.8%

PARKING CALCULATION

EXISTING PARKING SPACES (IN AREA OF DIST.): 64

PARKING SPACES REQUIRED:

1/300 (RETAIL): 5 SPACES REQ'D

1/50 (OUTDOOR DINING): 12 SPACES REQ'D

TOTAL SPACES REQ'D: 17 SPACES

PARKING SPACES PROVIDED:

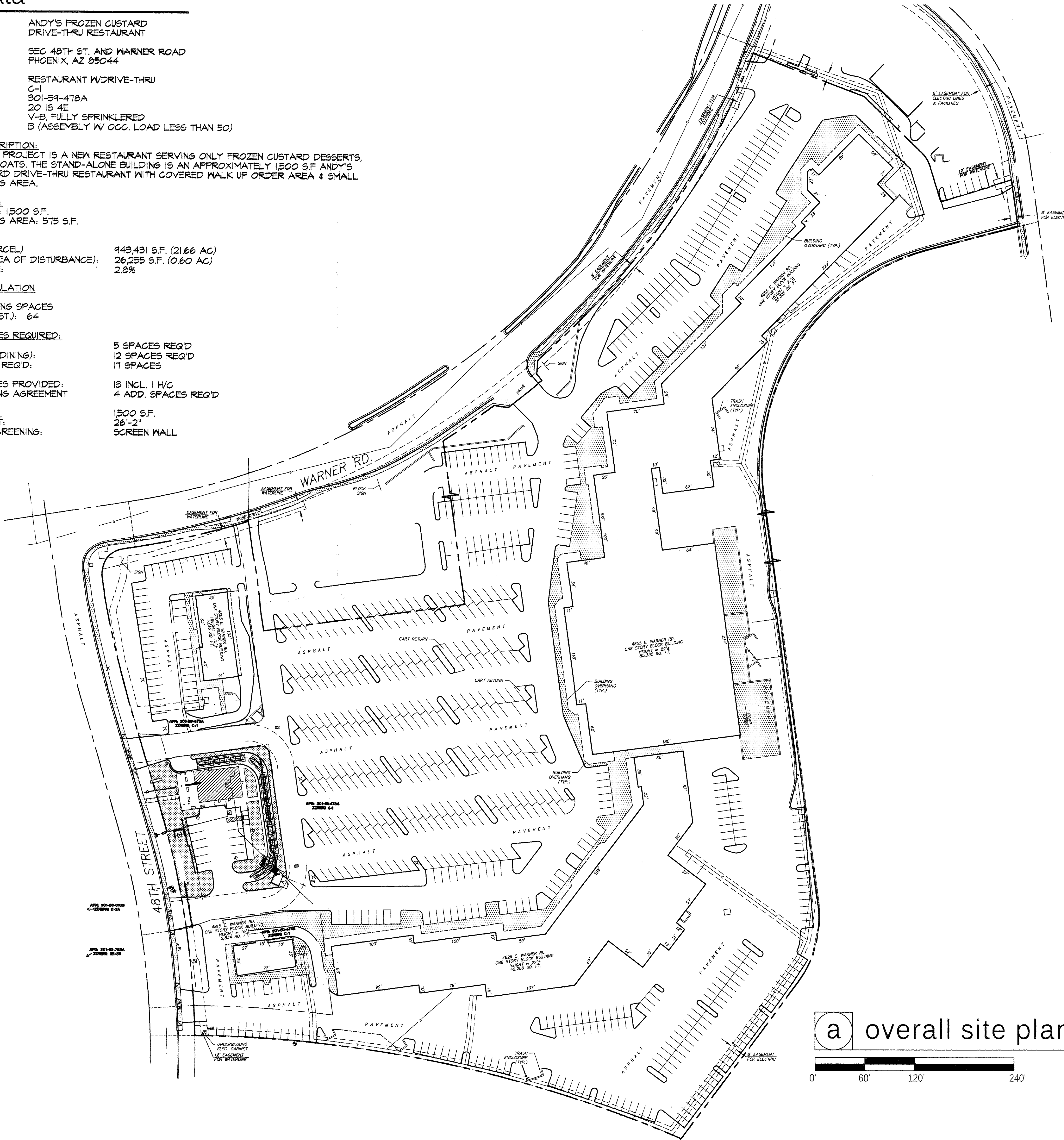
13 INCL. 1 H/C

4 ADD. SPACES REQ'D

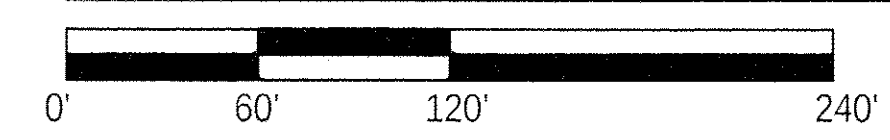
BUILDING AREA: 1,500 S.F.

BUILDING HEIGHT: 26'-2"

MECHANICAL SCREENING: SCREEN WALL



a overall site plan



1" = 60'-0"

CITY OF PHOENIX
AUG 22 2017
Planning & Development Department

site plan notes

1. DEVELOPMENT AND USE OF THIS SITE PLAN CONFORM WITH ALL APPLICABLE CODE AND ORDINANCES.
2. THE PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
3. ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
4. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
5. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'-0"
6. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICT AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE NO NOISE, ORDER OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ORDER OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE THE SITE.
7. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS OF WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
8. AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY P&D PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 262-6498 AND REQUEST A SITE INSPECTION.
9. THE EXISTING STRUCTURES MUST COMPLY WITH THE CHANGE OF OCCUPANCY PROVISIONS IN THE CITY OF PHOENIX CONSTRUCTION CODE PRIOR TO USE.
10. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
11. ALL SERVICES AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
12. BARBED, RAZOR, OR CONSERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
13. ALL ON-SITE ACCESSIBLE SIDEWALKS SHALL BE A MIN. 3 FEET 0 INCHES WIDE AND HAVE A MAX. SLOPE OF 1:20 WITH THE MAX. CROSS SLOPE OF 1:50. ALL CURBS MUST PROVIDE ACCESSIBLE RAMPS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA) STANDARDS.
15. LANDSCAPING SHALL BE MAINTAINED BY A PERMANENT AND AUTOMATIC IRRIGATION SYSTEM TO MINIMIZE MAINTENANCE AND WATER CONSUMPTION.
16. ALL EXISTING BROKEN, OR OUT OF GRADE CURB AND SIDEWALK ON THE PROJECT SITE WILL NEED TO BE REPLACED, AS WELL AS ANY NEW CURB OR SIDEWALK DAMAGED DURING CONSTRUCTION.
17. ALL EXISTING OFF SITE STREET IMPROVEMENTS (SIDEWALK, CURB RAMPS AND DRIVEWAYS) SHALL BE UPDATED TO CURRENT ADA GUIDELINES.

zoning cases and stipulations

VARIANCE CASE NO: ZA-411-16-6

DATE OF HEARING: 9/22/16

REQUEST: 1) USE PERMIT TO ALLOW OUTDOOR DINING AS AN ACCESSORY TO A RESTAURANT. 2) USE PERMIT TO ALLOW FOR A DRIVE-THRU FACILITY AS AN ACCESSORY TO A RESTAURANT.

STIPULATIONS: 1) 120 DAYS TO APPLY AND PAY FOR BUILDING PERMITS.

official use

SCSR: 1604755
KIVA: 16-2090
PAPP: 1603329
SDEV: 1603388
QS: 07-38 & 07-39

applicant/contact: piazza - restaurant consulting
dutch brothers coffee
4428 e. mountain sage dr.
phoenix, az 85044
contact: bill cantieri
c: (480) 818-9736

ANDY'S FROZEN CUSTARD
12925 S. 48TH ST.
PHOENIX, AZ 85044

This drawing is an instrument of service and the property of Stewart + Reindersma Architecture, PLLC, and shall remain their property. The use of this drawing shall be restricted to the original site for which it is prepared and publication thereof is expressly limited to such use.

date: 12/05/2016
issued for: MINOR SITE REVIEW
job no.: 16-044
sheet title: SITE PLAN
sheet no.:

as.1